

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GOOGLE INC.

PLAINTIFF

v.

Civil Action No. 3:14-cv-981-HTW-LRA

JIM HOOD, in his official capacity
as Attorney General of the State of
Mississippi

DEFENDANT

ORAL ARGUMENT REQUESTED

**ATTORNEY GENERAL JIM HOOD'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION TO
STRIKE DEFENDANT'S JURY DEMAND**

COMES NOW, Jim Hood, Attorney General of the State of Mississippi, in his official capacity ("Attorney General"), and files this his Response in Opposition to Plaintiff's Motion to Strike Defendant's Jury Demand.

Google's Motion to Strike Defendant's Jury Demand and its accompanying Memorandum is Google's way of again asking the Court to blindly accept all the allegations contained in its Complaint without offering any admissible evidence to substantiate those allegations. Google's assertion that there are no claims at issue in this litigation for a jury to determine is without merit. Additionally, Google asserts that even if the Attorney General had a right to a jury trial, the Attorney General has waived that right by failing to timely demand the same. The Attorney General's jury demand was made within the scheduling deadlines established by the Court. Google's Motion to Strike, on the other hand, was made almost 7 months after the time allowed under the Federal Rules of Civil Procedure had expired.

The Attorney General requests that the Court deny Plaintiff's Motion to Strike Defendant's Jury Demand for the reasons stated in the Attorney General's accompanying Memorandum in Opposition. In further support of his opposition, the Attorney General submits the Declaration of John W. Kitchens, with Exhibit (attached hereto).

THIS the 15th day of January, 2016.

Respectfully Submitted,

JIM HOOD, in his official capacity as Attorney
General of the State of Mississippi

By: /s/ John W. Kitchens

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CERTIFICATE OF SERVICE

I, John W. Kitchens, one of the attorneys for Defendant Jim Hood, hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Mississippi through the Court's CM/ECF system. I further certify that all parties are represented by attorneys who are registered users of the CM/ECF system and that service will be accomplished through the CM/ECF system.

/s/ John W. Kitchens
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